

**LEMON GROVE SCHOOL DISTRICT**  
**Special Meeting of the Independent Citizens' Oversight Committee**

**Education Center**  
**8025 Lincoln Street**  
**Lemon Grove, California 91945**

**May 28, 2014**

**5:00 p.m.**

*In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Governing Board, please contact the office of the District Superintendent at (619) 825-5600. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability. Notification 72 hours prior to the meeting for Spanish translation services at the Board meeting may also be requested by contacting (619) 825-5600.*

*(Si requiere servicio de traducción a español para la junta de la mesa directiva, necesita solicitar estos servicios 72 horas antes de la junta. Favor de llamar 619-825-5600.)*

**1. OPENING FUNCTIONS**

- a. Call to Order
- b. Pledge of Allegiance
- c. Approval of Agenda

**Action**

**2. HEARING OF CITIZENS FOR ITEMS NOT ON THE AGENDA**

Citizens wishing to address the Independent Citizens' Oversight Committee on an agenda item are asked to fill out a card and submit it to the Assistant Superintendent of Business Services.

**3. UPDATE BYLAWS TO EXTEND COMMITTEE MEMBERS TERM (pp. 2-10)  
(Potter)**

**Action**

**4. REAUTHORIZATION OF BONDS AND EDTECH BOND SURVEY RESULTS  
PRESENTATION BY DALE SCOTT THE DISTRICT'S GENERAL OBLIGATION  
BOND FINANCIAL ADVISOR (Potter)**

**Information**

**5. ADJOURNMENT**

Lemon Grove School District  
**INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE BYLAWS**  
Proposition W

Section 1. COMMITTEE ESTABLISHED

The Board of Education (the "Board") of the Lemon Grove School District (the "District") hereby establishes the Independent Citizens' Oversight Committee (the "Committee") which shall have the purposes and duties set forth in these Bylaws. The Committee does not have independent legal capacity from the District.

Section 2. PURPOSE

The purpose of the Committee is to inform the public at least three times per year concerning the expenditure of bond proceeds (the "Bond Proceeds") (a) relating to the \$28,000,000 aggregate principal amount of bonds approved by the voters on November 4, 2008, to provide financing for critical core facility improvements, and (b) relating to the \$28,000,000 aggregate principal amount of bonds approved by the voters on November 4, 2008, to provide financing for selected additional facility improvements, as more fully specified in the respective bond measures (collectively, the "Bond Measures").

Section 3. DUTIES

The Committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following duties:

3.1 Review Expenditures. The Committee shall review expenditure reports produced by the District to (a) ensure that bond revenues are expended only for the purposes described in Article 13A, Section a(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for schools; and (b) ensure that, as prohibited by Article 13A, Section a(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses.

3.2 Annual Report. The Committee shall present to the Board an annual written report (the "Annual Report") for each Bond Measure which shall include the following:

(a) A statement indicating whether the District is in compliance with the requirements of Article 13A, Section 1(b)(3) of the California Constitution with respect to such Bond Measure; and

(b) A summary of the Committee's proceedings and activities for the preceding year with respect to such Bond Measure.

#### Section 4. AUTHORIZED ACTIVITIES

4.1 In order to perform the duties set forth in Section 3 hereof, the Committee may engage in the following authorized activities:

(a) Receiving and review copies of the District's annual, independent performance audit required by Article 13A of the California Constitution for each Bond Measure.

(b) Receiving and reviewing copies of the annual, independent financial audit required by Article 13A, Section a(b)(3)(D) of the California Constitution.

(c) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(a), Section 1(b)(3) of the California Constitution, in accordance with any access procedure established by the Superintendent or designee.

(d) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District, including any reports required by Section 17584.1 of the California Education Code (the "Education Code").

(e) Reviewing efforts by the District to maximize Bond Proceeds of a Bond Measure by implementing cost-saving measures, including, but not limited to, all of the following: (1) mechanisms designed to reduce the costs of professional fees; (2) mechanisms designed to reduce the costs of site preparation; (3) recommendations regarding the joint use of core facilities; (4) mechanisms designed to reduce costs by incorporating efficiencies in school site design; or (5) recommendations regarding the use of cost-effective and efficient reusable facility plans.

4.2 Any Committee requests for copies or inspection of District records shall be made in writing to the Superintendent or designee.

#### Section 5. MEMBERSHIP

5.1 Number. The Committee shall consist of at least seven (7) members.

(a) After interviewing potential members, the Board shall appoint members of the Committee.

(b) The Committee may include, but not be limited to:

- (1) one member who is active in a business organization representing the business community located within the District;
- (2) one member who is active in a senior citizens' organization;
- (3) one member active in a bona fide taxpayers' organization
- (4) one member who is the parent or guardian of a child enrolled in the District;
- (5) one member who is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent Teacher Association or school site council;
- (6) At-Large Community Member

## 5.2 Qualification Standard.

(a) To be a qualified member of the Committee, a person must:

- (1) be at least 18 years of age and a citizen of the State of California in accordance with Section 1020 of the California Government Code (the "Government Code");
- (2) not be an employee or official of the District; and
- (3) not be a vendor, contractor or consultant of the District.

(b) If a member fails to meet the qualification standards set forth above at any time during the term of service, such member shall be disqualified and the position shall be declared vacant. The Board shall appoint a new person to serve the remainder of the term, in accordance with the appointment process set forth in Section 5.3 below.

5.3 Appointment. The Board shall appoint members to the Committee. Prior to appointment, the District Superintendent shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in Sections 5.1 and 5.2. The Superintendent shall establish a process that provides reasonable notice to Board members and specified nominating organizations. When an appointment is necessary to fill a vacancy, the Superintendent shall ensure that a nomination is received from a like organization or category as the Committee member whose position is vacant.

5.4 Ethics; Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Article 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Government Code §§ 81000 et seq.), and to complete the Form 700 as required by certain designated employees of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

5.5 Term. Each member of the Committee shall serve for a term of two years without compensation and for no more than three consecutive terms.

5.6 Removal; Vacancy. The Board may remove any Committee member for cause, including failure to attend three consecutive committee meetings. Upon the removal of a member, his or her seat shall be declared vacant. The Board shall fill any vacancies on the Committee in accordance with the appointment process set forth in Section 5.3 hereof.

5.7 Compensation. The Committee members shall not be compensated for their services.

## Section 6. MEETINGS OF THE COMMITTEE

6.1 Regular Meetings. The Committee shall establish a schedule for the date and time of regular meetings to be held at least three times per year to include an annual organizational meeting to be held in June.

6.2 Location. All meetings shall be held at the administrative offices of the District located at 8025 Lincoln Street, Lemon Grove, California, or other District facilities.

6.3 Procedures. All meetings shall be open and public in accordance with the Ralph M. Brown Act, Government Code Sections 54950 et seq. (the "Brown Act"). Meetings shall be conducted according to such procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business except adjournment.

## Section 7. DISTRICT SUPPORT

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

(a) preparation of and posting of public notices as required by the Brown Act ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the Board;

- (b) provision of a meeting room, including any necessary audio/visual equipment;
- (c) preparation and copies of any documentary meeting materials, such as agendas and reports; and
- (d) retention of all Committee records and provide public access to such records, including the posting of Committee records on the Internet website maintained by the District.

7.2 District staff shall maintain all Committee records and provide public access to such records.

7.3 The District shall not use any Bond Proceeds to provide the support set forth in this Section 7.

#### Section 8. OFFICERS

The Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent; such positions shall continue for one year terms. No person shall serve as Chair for more than three consecutive terms.

#### Section 9. AMENDMENT OF BYLAWS

Any amendment to these Bylaws shall be approved by the Board prior to becoming effective.

#### Section 10. TERMINATION

The Committee shall automatically terminate and disband at the earlier of the date when (a) all Bond Proceeds of each Bond Measure are spent, or (b) all projects funded by Bond Proceeds of each Bond Measure are completed.

#### Section 11. APPLICABILITY OF THE CALIFORNIA LAW

The Committee was established by the District in order to comply with Sections 15278 et seq. of the Education Code. Nothing in these Bylaws shall be interpreted in a manner that is inconsistent with such provisions of the Education Code.

Revised: 7/14/2009 (Board Approval)  
Revised: 7/10/2012 (Board Approval)

LEMON GROVE SCHOOL DISTRICT

BYLAWS OF THE BOARD

BB 9271

Member Duties/Code of Ethics

---

Obligations of Members

Members of the Board must endeavor to attend all meetings, study all materials presented with the agenda prior to attending the meeting, participate in the discussion of any items that come before the Board, and vote on all motions and resolutions, abstaining only for compelling reasons.

The Board member should be prepared and willing to devote the amount of time needed to fulfill all duties of a Board member.

Limits of Board Members' Authority

The Board has broad but clearly limited powers. The exercise of its authority is restricted to the functions required or permitted by law, and then only when it acts in a legally constituted meeting.

The Board is the unit of authority. Apart from the normal function as part of the unit, a Board member has no individual authority. Individually, a Board member may not commit the District to any policy, act, or expenditure. A Board member does not represent any factional segment of the community but is rather a part of a body that represents and acts for the community as a whole.

No individual member of the Board, by virtue of holding office, shall exercise any administrative responsibility with respect to the schools nor, as an individual, command the services of any school employee.

No members of the Board shall be asked to perform any routine or clerical duties that may be assigned to an employee, nor shall any Board member become an employee of the district while serving on the Board.

Code of Ethics

*Ethics* is concerned with the discernment of and commitment to principles that establish standards of conduct imposed by moral obligation. Ethics is not based upon the prevalent behavior of the group. Neither is ethics a legalistic acceptance of *permissibility* as a standard; an ethical person may do more than is required or less than is allowed by law.

*Moral obligation* includes the principles of integrity, fairness, compassion, and respect. Justice, temperance, courage, and intellectual and moral honesty characterize *integrity*.

This policy on ethical conduct for Board members transcends conflict of interest policies or behavior that is law-directed. It establishes an understanding that each member will be honest, fair, compassionate, and respectful with every other member, with staff members, and with the community.

The authority of a Board member is restricted to the Board meeting (unless extended to a member by a public vote of a majority of members); however, the requirements for ethical behavior extend to the entire term of office.

Understanding and acting upon the foregoing premises, each Board member shall:

1. Consider a position on the Board as a public trust and not use it for private advantage or personal gain
2. Devote sufficient time, thought, and study to proposed actions so as to be able to base decisions upon all available information and vote in accordance with impartial convictions
3. Make use of opportunities for personal growth as a Board member through participation in educational conferences, workshops, and training sessions
4. Encourage ideas and opinions from the patrons of the District and endeavor to incorporate those views into the deliberations and decisions of the Board
5. Present concerns and concepts through the process of Board debate. If in the minority of any decision, the member shall abide by and support the major decision. When in the majority, the member respects divergent opinions.

Adopted 12/13/94  
Reviewed: 2/14/06



PROCEDURAL RULES AND RULES OF CONDUCT  
FOR THE  
LEMON GROVE SCHOOL DISTRICT  
PROPOSITION W  
INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE

1. **Attendance.** Regular meeting attendance by Committee members is essential to effective operation of the Committee. If a Committee member is unable to attend regularly scheduled meetings, the Board of Education may remove and appoint a replacement for that member in accordance with the Committee Bylaws.
2. **Meetings.** Regular meeting dates, time, and place shall be established by the Committee and published/posted in accordance with the Ralph M. Brown Act. All Committee proceedings shall be open to the public and shall be subject to the provisions of the Brown Act. All documents received by the Committee and reports issued by the Committee shall be a matter of public record. Minutes of the Committee meetings, and reports issued by the Committee are public records.
3. **Quorum Requirement.** The Committee Chair shall not call a Committee Meeting to order unless there is a quorum. A majority of the number of seated Committee members shall constitute a quorum for the transaction of any business except adjournment. Vacant seats shall not be counted when determining whether a quorum exists. The presence of every Committee member at each meeting shall be ascertained using a sign-in sheet, which shall be then reflected in the meeting minutes.
4. **Agenda and Minutes.** At each Committee meeting, a Committee member shall make a motion to approve that meeting agenda. Another Committee Member shall second that motion and Committee members shall vote as to whether or not to approve the meeting agenda. At every Committee meeting, a Committee member shall make a motion to approve the previous meeting's minutes. Another Committee Member shall second that motion and Committee members shall vote as to whether or not to approve the last meeting's minutes.
5. **Public Input.** Members of the public may provide input to the Committee as indicated on the Agenda. Such comments shall be limited to three minutes per speaker. All speakers from the public shall be required to submit speaker slips for items both on the agenda and for issues not on the agenda.
6. **Discussion by Motion.** A motion cannot be made while another motion is being discussed and considered. However, a subsidiary motion may be made to amend the main motion. Once a motion is made, another Committee member must second that motion before discussion on the motion can begin. A motion is still under consideration if the Committee has not voted to either approve or deny the motion. A majority vote of the Committee members present is needed to approve or deny a motion. Committee members will not be permitted to interrupt each other, staff, or member of public while speaking.
7. **Vote Requirements.** Committee actions and decisions shall be made by voice vote, with only the minority votes and abstentions noted in the minutes by name, unless a Committee member requests a roll call vote on a particular item, in which case the decision shall be recorded as individual votes, noting each Committee member's name and response. Except as specified in these Rules, Committee decisions shall be by majority vote of the members of the Committee present, provided that there is a quorum.

LAW OFFICES OF  
BEST BEST & KRIEGER LLP

8. **Agenda Items.** At the end of each meeting, Committee members will be provided an opportunity to place items on the agenda for the following meeting under the agenda item entitled "Items For Subsequent Meetings." Items may be placed on the agenda by individual members without a vote of the Committee as "Items for Subsequent Meetings."
9. **Reports.** Oral or written reports by the Committee shall be presented at Board meetings by District staff or the Committee Chair or his/her designee.
10. **Distribution of Materials.** A Committee member may distribute materials to other members at the meetings for general information purposes. Such materials may not be discussed by the Committee unless they have been properly placed on the agenda.
11. **Requests of District Staff.** The Committee may, by majority vote, request that District staff research issues, prepare materials, or report back to the Committee on particular subjects in order to carry out the purposes and functions of the Committee.
12. **Review of Projects.** The Committee as a whole may review District records, documents, plans and facilities projects in order to carry out the purposes and functions of the Committee, or may delegate such tasks by majority vote. An individual Committee member, acting on his or her own initiative, may review District records, documents, plans, and facilities projects only in his or her individual capacity as a member of the public. A member will not use his or her position on the Committee in an attempt to gain access to documents or projects in a manner that is not available to members of the public at large.
13. **Representation of Committee.** A Committee member may not represent himself or herself to be speaking, writing, researching, observing or otherwise acting on behalf of the Committee unless so authorized by the Committee. Only findings or conclusions approved by the Committee may be represented by a member to be the Committee's findings or conclusions.
14. **Violations.** The Committee may, by majority vote, reprimand individual Committee members for significant violations of these Rules. Such reprimand could, at the discretion of the Board, constitute cause for removal from the Committee.
15. **Removal for Cause.** The Committee may, by a two-thirds vote of the Committee members present at a regularly scheduled meeting, request that the Committee's designee recommend to the Board of Education that a Committee member be removed for cause, including but not limited to: (a) failure to attend three consecutive Committee meetings, (b) failure to comply with the Committee Ethics Policy or (c) other significant violations of Committee Bylaws or these Rules.

Revised August 26, 2003  
Revised September 20, 2006  
Revised October 16, 2007  
Revised February 17, 2009